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Present: Mayor Naugle  
Commissioners Hutchinson, Katz, Moore, and Smith

Also Present: City Manager, City Attorney, City Clerk, and Police Sergeant

**OB – Dave Thomas**

Mayor Naugle observed that Dave Thomas, of Wendy's fame, had passed away. He stated that an Expression of Sympathy would be offered this evening at the Regular Meeting.

**I-A – Bayview Drive – Traffic Calming Study**

A presentation was scheduled on the traffic calming study for Bayview Drive conducted by Hughes Hall, Inc. Mr. Peter Partington, Public Services Department, noted that the consulting firm was now known as Hughes Hughes, Inc., and the City Commission had authorized this study some time ago.

*Ms. Molly Hughes* provided a Power Point presentation on the study. She stated that Bayview Drive was about 36' wide in an 80' right-of-way, with a posted speed limit of 30 MPH, but the typical travel speeds ranged from 35 MPH to 40 MPH. Ms. Hughes advised this was a source of complaint from the neighborhood that had sponsored the study, and it also felt the cut-through traffic volume was significant. She had found that there was not a capacity problem because a roadway of this size could handle the existing volume, but the traffic volume was high for a residential street.

Ms. Hughes stated that there had been over 200 accidents on the road over a 3-year period, which was a high figure, and a lot of them had occurred near the convenience store at the south end of the corridor. She reported that there had been 3 official meetings with the neighborhood during development of the recommendation, and there had been several more meetings with individual groups within the neighborhood to explain and answer questions about the recommendations.

Ms. Hughes advised that several techniques had been considered for Bayview Drive in order to reduce the speed of traffic. She stated that complete agreement had not been reached within the neighborhood, but more people were comfortable with lateral traffic shifts rather than such things as speed humps. Therefore, a focus had been put on narrowing traffic lanes, and several alternatives had been developed. Ms. Hughes displayed photographs of lateral movement features, such as medians and "bulbing out" the adjacent grassy areas at the sides of the roads, and she discussed the pros and cons of the various measures. She also noted that costs had been estimated for the various measures.

Mr. Partington stated that costs for all of the alternatives were significant, and funding had not been identified. He advised staff preferred the median approach, and it was recommended that the Commission subscribe to the idea that medians should ultimately be installed on Bayview Drive as funding became available. Mr. Partington said that as funding became available, the medians would be designed in detail, and the plans presented to the neighborhood and the City Commission. He anticipated a phased installation of medians, and it appeared the first should be located in front of the Coral Ridge Country Club due to the curve in this location and the number of accidents that had occurred.

*Mr. John Aurelius*, on behalf of the Coral Ridge Homeowners' Association, said that there had been 2 meetings at the Christ Methodist Church. The data presented at those times seemed to relate more to the northern portion of the road rather than the southern part, and questions had been raised that had never been answered. He stated that the neighborhood was in favor of continuing to work on a plan, but he asked the Commission not to adopt a \$6 million conceptual plan because then it would be necessary to publish this proposal. Mr. Aurelius asked that the Commission postpone a decision for six months so the Association could consider it further along with other options. He pointed out that some landscaping and trees would be affected, but something had to be done, and the Coral Ridge Homeowners' Association was concerned with the southern portion at least.

Mayor Naugle asked Mr. Aurelius if he felt the consultant had not reached out enough in the area. Mr. Aurelius replied that the consultant had been very nice and had provided a list containing 25 possibilities, but only a few were applicable to the area. He advised that a drawing had never been presented, and he had been shocked to hear of a 16' median. Mr. Aurelius suggested the City help the neighborhood design a plan, and he stated that there were planners who lived in the area and were willing to assist.

*Mr. Gary Schultz*, Coral Ridge Country Club Homeowners' Association, believed some cars had traveled at much higher rates of up speed. Mayor Naugle had a friend who had been killed by a drunk driver north of Commercial Boulevard. Ms. Hughes reported that 50 to 100 vehicles a day traveled over 50 MPH, and a lot of it was late at night. Mr. Schultz stated that 6 trees and a telephone pole had been plowed down near the Country Club, and he felt safety issues had to be addressed.

*Mr. Robert Koenig* hoped the City Commission would check this out thoroughly with the people in the neighborhood before making a final decision. He believed the City could be reimbursed for the cost of cameras for photography enforcement if the Legislature passed the bill. Mr. Koenig pointed out that the camera enforcement would do a great deal to address problems, and there was a possibility the City could save a lot of money if the Commission waited.

Commissioner Katz thought it had been important to put this issue on the table, but she agreed more time was needed to explore the options with both of the affected neighborhood. She believed it was clear there was a problem, particularly as to the curve in the area of the Coral Ridge Country Club. She understood North Coral Ridge had conducted its own informal study, and no one wanted their front lawns depleted, but they did not mind losing some side yard area. Commissioner Katz thought the particular issues in each of the two neighborhoods should be explored further, and she wondered if some reflective warning type of feature could be installed at the curve because it was so dangerous. Mr. Partington advised that there were reflective markers already, but he would see if anything else could be done in the meantime in cooperation with Broward County. However, he noted that guardrails and warning signs were not very attractive.

Mr. Aurelius felt similar measures should be taken near his home where there had been tremendous accidents. He stated that markings had been installed after the last fatality, but wooden barricades were not as obtrusive as others.

Commissioner Smith thought it had been premature to bring this to the Commission, and it did not appear consensus had been reached within the community. He wanted to see more work done. Mayor Naugle was reminded of the time and controversy spent on circles for the beach, but the idea had not reached fruition. Commissioner Katz thought something would and should come to fruition in this case, but both of the neighborhoods had to come together first.

Mayor Naugle did not think there would be too great a problem locating funds for 8' medians in North Coral Ridge, but there were other issues to address as well. Commissioner Katz agreed there were some immediate problems in the area.

Commissioner Hutchinson agreed this should be pushed back 6 months since it did not appear everyone was "at the table." Her only concern was that the Las Olas Traffic Plan had been underway for years, and no one had taken the time to examine alternate funding. She felt that should come ahead of Bayview Drive in terms of funding.

Commissioner Moore thought the Commission should take the existing data and deploy some additional police resources during the times when most accidents occurred. Mayor Naugle felt the photo radar mentioned by Mr. Koenig should be included in the City's legislative package.

Commissioner Smith said he had been impressed with work done by this consultant in the past and wondered why consensus had not been achieved this time. Ms. Hughes said that when the study had been completed, more than the majority had favored a median of some sort, but those individuals did not attend today.

At 2:38 P.M., Commissioner Moore left the meeting. He returned at 2:39 P.M.

Commissioner Katz noted that she had requested this item be placed on the agenda, although it appeared it had been premature. Commissioner Smith agreed it was a very important street that should not be used as a thoroughfare, so he hoped consensus could be reached before the matter was brought back to the City Commission.

**Action:** Efforts to build consensus to continue.

#### **I-B – Parks and Recreation Recovery Action Plan – National Parks Service – Urban Park and Recreation Recovery Program for 2002**

A presentation was scheduled on the proposed Parks and Recreation Recovery Action Plan to be submitted to the National Parks Service to qualify the City to apply for rehabilitation grants under the Urban Park and Recreation Program for 2002. Mr. Ernest Burkeen, Director of Parks & Recreation, noted that copies of the proposal had been distributed, and the plan was good for five years. He advised that the maximum grant amount was \$500,000 for rehabilitation of existing facilities. He explained the monies could not be used to acquire new property or build new facilities, and a 70/30 match was required.

At 2:40 P.M., Commissioner Hutchinson left the meeting. She returned at 2:41 P.M.

Commissioner Smith thought the proposal was very thorough and interesting. The City Manager commended Mr. Burkeen. He noted that the City often focused on new facilities, but this would address rehabilitation needs in light of changing demographics.

Commissioner Katz noted that this would not involve parks in District 1, and she hoped staff would not overlook that area because ball fields and other amenities were needed. Mr. Burkeen assured her that staff would not lose sight of other tasks while pursuing this program.

**Action:**       Approved.

### **I-C – City of Salem, Oregon’s Neighborhood Organizations Code – Recognition of Neighborhood Associations**

A discussion was scheduled on the City of Salem’s Neighborhood Organizations Code, as requested by Commissioner Smith. Commissioner Smith felt this Code seemed to address a lot of concerns raised by the City Commission in this regard. He said he had spent a lot of time with a Salem Commissioner, and she had indicated the Code had solved many problems relating to overlapping neighborhood associations.

Commissioner Smith explained that each neighborhood group would have to start from scratch and apply for official status in the City, and they would have to do certain things such as hold meetings on a regular basis, take minutes of those meetings and make them available, etc. They also could not have overlapping boundaries, and the application process would involve the Planning & Zoning Board. Commissioner Smith said that the result would be sanctioned associations within defined geographic boundaries, and they would have to perform in a certain manner to maintain that status. The City could then provide certain services, such as printing of mailing services, to further the goals of the neighborhoods on a more official basis.

At 2:43 P.M., Commissioner Moore left the meeting.

Commissioner Hutchinson thought this was a great idea. She noted that after becoming an officially recognized neighborhood, the Mayor or Commissioners could do a mailing to all of the property owners encouraging them to be active participants.

*Mr. Michael Kasten*, President of the Fort Lauderdale Council of Civic Associations, said there had been a meeting among City staff and civic leaders. They had discussed this type of format but had not had an opportunity to examine the documentation distributed to the City Commission. Therefore, he felt it would be premature to take a position on this “work in progress.” Mr. Kasten thought the neighborhoods would probably come out on the side of the City taking more responsibility, perhaps because there would be administrative tasks that would have to be performed. Another possibility was that the City could give the Council the authority to handle the administrative tasks.

Mayor Naugle worried that this might be a “big government” solution to a problem that only cropped up from time to time. He acknowledged that there had been some problems over the years in different neighborhoods, but this was a big government program to address what might not be a great problem. Mayor Naugle supported the idea of sending this to the Council for review and a determination of what might be workable without cost to the taxpayers.

Commissioner Katz agreed with Mayor Naugle. She noted that her own homeowners’ association probably could not qualify under some of the suggested guidelines.

At 2:47 P.M., Commissioner Moore returned to the meeting.

Commissioner Katz stated that another neighborhood in her district had split into two associations because the first association had failed to address needs in certain areas. Therefore, she foresaw some problems and did not want to “box in” the City. Mayor Naugle pointed out that people had a right to deal with more than one organization, and input could be denied to groups that were not officially sanctioned.

Commissioner Smith believed the Commission abdicated its responsibility and, as a result, things did not get done in neighborhoods. He thought the citizens who could not seem to solve their own leadership problems looked to the City Commission, as elected leaders, to find a solution. He did not think it was enough to just indicate they should just work it out because that was not working in his neighborhoods.

Mayor Naugle said he had worked through similar problems as a District Commissioner, although it had taken a great deal of hard work. Commissioner Smith did not think this was a perfect solution, but he felt it was a starting point. He supported the idea of sending it to the Council for review. Commissioner Smith did not believe there was a lot of expense involved other than for staff that already existed and could redirect efforts into neighborhoods. He felt neighborhoods deserved a little more service, and he had always favored a Neighborhood Services Department. Commissioner Hutchinson thought other cities had similar neighborhood services offices.

Commissioner Moore did not think this effort would go anywhere until a validated election process was required. He thought the Council should stand up and address that issue. Commissioner Moore believed that whenever splinter groups were formed it was due to a problem with either an election or a project, and problems with elections came up most often.

Mr. Kasten wondered if the Commission would give the Council the authority to oversee elections and noted that the associations involved would also have to be members of the Council. Commissioner Moore considered them members simply because they were Fort Lauderdale neighborhoods. Mr. Kasten agreed that made sense.

Commissioner Katz wanted to see a recommendation from the Council. Mayor Naugle did not think the City had any authority to mandate that private organizations hold elections, but it could indicate that they would have to follow certain rules if they wanted to obtain funding.

**Action:** Materials to be referred to Council of Fort Lauderdale Civic Associations for review.

#### **I-D – Police and Firefighters Retirement System – Survivor Benefits**

A discussion was scheduled on survivor benefits related to the Police and Firefighters Retirement System, as requested by Commissioner Hutchinson. The City Manager noted that some definitions had been provided, and this request dealt with survivor benefits for police and firefighters in post-retirement mode. At present, if someone died after retirement, his or her surviving spouse was entitled to a certain death benefit until he or she remarried. At that time, the benefit ceased. He stated that what was being requested for consideration would affect 63 spouses, and there were over 400 retirees involved.

The City Manager explained that if the City Commission wanted to pursue extending this benefit after a surviving spouse remarried, the benefit would not have been earned prior to retirement, which was the City's current approach. However, whether or not it had a financial or budgetary impact in the long term was the primary question. He believed it would because this involved an extension of benefits. The City Manager felt that if the Commission wanted to pursue it, the time to do so would be during negotiations. He noted that although there usually weren't negotiations for retirees, it was an item he felt could be negotiated during the typical negotiating session.

*Mr. Harry Wood*, retired from the Fire Department and President of the Retirees' Association, felt the City Manager's presentation had been a little misleading. He explained that the request involved surviving spouses continuing to receive the benefits if they should remarry. Mr. Wood advised that 60% of similar retirees could retain this benefit if they chose to remarry. At this time, there were only 63 surviving spouses, and he did not know if any of them would choose to remarry, but he felt they should have the right without jeopardizing their benefits. Mr. Wood said that this was a no cost item according to the actuaries, based on age, and he hoped the Commission would consider it.

*Mr. Rick Perez*, Chair of the Police and Firefighters Retirement System Board, stated that there was an actuarial responsibility on the part of the Board, and it had voted unanimously to support this, as there would be no actuarial impact to the Plan itself.

*Ms. Lynn Egner*, Pension Administrator, supported this item. She submitted a letter of support from Malcolm Farrel, the Mayor's appointee to the Board. It was his opinion that all survivors should be treated equally, and the actuary had stated that continuing this benefit after remarriage would have no actual impact. She pointed out that the current situation required survivors to choose between economic realities and their ethical, moral or religious beliefs.

*Mr. Tom Magnifesto*, President of the Fraternal Order of Police, felt there were good reasons for the Commission's support of this measure. He advised that State Law 99-1 gave municipalities the option of making all widows equal under this provision, and he did not feel it was appropriate to segregate these 63 widows as victims who could not remarry for fear of losing their financial security. He pointed out that they received 60% of their spouses' retirement benefits, and many had died 20 or more years ago when their benefits were not very high. Mr. Magnifesto felt this was a matter of fairness and equitability.

Mr. Magnifesto said that during negotiations in 2000 and in 1997, he had been informed that he could not negotiate for retirees, and it was not a mandatory subject for bargaining. He understood the Commission's concern for the taxpayers, but if there was any cost involved, Mr. Magnifesto was sure the actuary would have discovered it. He urged the Commission to approve this at some point.

*Mr. Iam Kemp*, President of the IAFF, agreed with the statements made and appreciated the City Manager's suggestion that this issue be negotiated. He said that there had been numerous pension items raised, but he had been told they could not be negotiated. Mr. Kemp felt that if the Commission did not approve this in a timely manner, he would like to see some of the pension items brought up at the negotiating table. He stated that the firefighters supported this ordinance change and did not feel there would be a cost.



*Mr. Adam Levinson*, of the law firm representing the Retirees' Association, stated that he also provided pension consulting services and specialized in this field. He advised that his firm represented 60 pension plans from Key West to Alaska, and none of those plans had a marriage penalty. Mayor Naugle requested a list of those plans. Mr. Levinson agreed to provide that information and stated that marriage penalties were the "creature" of a time when women did not work outside the home. This had changed, and the marriage penalty disproportionately affected women in their 60s, 70s, 80s or older who did not want to "live in sin," but could not afford to lose their financial security.

*Ms. Jean Teggy* said she was the widow of a firefighter, and her husband had died at the age of 51. She hoped the Commission would give this serious consideration because it sometimes became a moral issue.

Commissioner Katz wondered if future retirees would put the City in a position of having to do this. She understood there were only 63 at issue now, but she was concerned about the future. Mr. Bob Dunckel, Assistant City Attorney, thought that depended upon the decision the Commission made. He explained it was possible for the Commission to eliminate the remarriage penalty for post retirement death benefits across the board. Mr. Dunckel did not think the proposal included a retroactive provision for those who had already remarried. Commissioner Smith understood there were no beneficiaries who had ever remarried. Ms. Egner clarified that no one had ever inquired about it. Mr. Dunckel understood the proposal under consideration related only to those 63 surviving spouses now.

Mayor Naugle thought that if the marriage penalty was eliminated for these 63 individuals, it was realistic to think it would also be extended to existing employees, which could have a tremendous budget impact. Commissioner Katz inquired about general employees. Mr. Dunckel believed a similar request on behalf of those employees would probably be made in the future.

Commissioner Katz wondered if remarriage eliminated social security benefits. *Ms. Lu Deaner*, of Dolphin Isles, believed the social security payment was based upon the higher earner.

Ms. Egner stated that current State law required an ordinance amendment. Commissioner Moore understood people had an opportunity to choose a benefit before retirement. Mr. Dunckel stated that the option had been available in the plan since 1972. Commissioner Katz requested clarification.

Mr. Dunckel explained that Section 20-131, Optional Forms of Retirement Benefits, included the joint and last survivor form of retirement in which one could elect to have an actuarially adjusted benefit for yourself and your spouse as long as either lived. That had been repealed in favor of the State plan, which had the same result with slightly different text. Commissioner Smith understood the 62 retirees had the opportunity to avail themselves of that option. Mr. Dunckel agreed they had that opportunity.

Commissioner Moore did not agree that this was a bargaining issue. He did not care to “open that door.” He also did not agree with the concept. He felt those who were married to those who had served the City should have a benefit, and they could plan for the future through joint survivorships and additional insurance products. Commissioner Moore thought if someone “found love, it was not about money.” He asked how long ago funds had to be put into the Pension Fund to balance it when there was a shortage from projects. Mr. Damon Adams, Director of Finance, was not sure, but sufficient monies were put in every year to ensure the Pension Plan was actuarially sound as recommended by the Actuary. He advised that the amount fluctuated from year to year; depending on a lot of factors, especially return on investment.

Commissioner Moore understood any use of the Plan had an impact on what the City had to contribute to the Plan. Mr. Adams agreed that was true. Commissioner Moore believed \$3.5 million was invested in 1997 to balance the fund. Mayor Naugle recalled a year when \$14 million had been invested in both plans. Commissioner Moore just wanted everyone to understand that tax dollars were invested to make the Plan work at times.

Commissioner Smith recalled a time when most women did not work, but things had changed, and people could opt in or not. He thought the City and the Unions had been wise enough to offer this since the early 1970s, and those that went before had not had the same opportunity. He agreed they were being justly penalized. Commissioner Smith felt those who had been widowed prior to 1971 should have the benefit, but after 1971, they had been given the choice and had elected not to take that benefit. He thought the number of those widowed before 1971 should be determined so the impact could be estimated.

Commissioner Moore pointed out that when someone remarried, his or her new spouse probably would have income. Commissioner Smith explained that women wanted to have their own rights and income.

Commissioner Hutchinson thought it was archaic to have a marriage penalty in 2002. She did not know who to believe as to whether people had been given the option because there were widows in the audience shaking their heads, but she did not see a problem with this concept. Commissioner Hutchinson felt pension benefits should be calculated on life expectancy and your spouses, whether they remarried or not. Therefore, even if a widowed spouse remarried, the benefits had been calculated on the basis of life expectancy anyway.

Mayor Naugle thought this would be a good idea if the bargaining units wanted this benefit in the future. Even if the bargaining units could not bargain on behalf of retirees, the City could offer this benefit to existing employees and consider previous employees at that time. He understood the City Manager's logic on the pre-1971 retirees, and he wanted to see the size of that group. Clearly, after that time, the employees made a choice in this regard. Mayor Naugle pointed out that many of the citizens of the City did not have pensions, and he thought it was clear that this benefit would cost the taxpayers millions of dollars. He believed this could have a \$2.1 million impact on the City's budget if over the lifetime of one person.

Mayor Naugle did not agree with the actuarial statement, and felt it had been done for political purposes. He characterized the statement as a “piece of trash,” and he hoped the City never used this actuarial firm again.

Ms. Egner stated that this option had never been given to anyone who retired prior to 1999. Commissioner Smith believed the statements made by the City Manager and the Assistant City Attorney. Mayor Naugle suggested that the matter be brought back to the Commission with the requested information, and he requested information as to how the option had been offered.

**Action:** As discussed.

### **I-E – Tree Pruning by Florida Power & Light Company (FPL)**

A discussion was scheduled on the recent running of trees by FPL, as requested by Commissioners Smith and Hutchinson. The City Manager said this had been initiated with respect to the Lake Ridge area but since then, there had been continued interest expressed in the manner in which FPL was upgrading some facilities and routine maintenance. He had asked FPL to attend this meeting to provide some clarification, and he introduced various individuals present on behalf of FPL.

*Mr. Dennis Mele*, Attorney representing FPL, said he would focus on the 17<sup>th</sup> Avenue tree trimming issue. He displayed a map showing existing substations in Fort Lauderdale. Commissioner Moore was not sure how this subject related to substations. Commissioner Smith felt there were many interrelated issues. In fact, he thought the subject was so complicated, it should probably be handled in a workshop session. Commissioner Moore had understood the subject of this discussion was tree pruning.

Mr. Mele stated that Colee Hammock and Victoria Park areas were being primarily served by the Sistrunk Substation. However, that substation was reaching capacity, so the line going in along 17<sup>th</sup> Avenue would provide an alternate service source from the Progresso Substation. He advised that there were a number of power poles there today, and the plan involved replacing most of those with poles that would be 5' to 10' taller so the lines could be raised so the trees beneath would have greater clearance. Mr. Mele noted that the poles carried lines for services other than electricity, such as phone or cable television. He advised that some of the new poles had been installed, and when the wires were moved, the old poles would be removed. Mr. Mele advised that concrete poles had to be used in certain locations because they did not require guide wires, and he understood plans had been submitted to the City for this work.

Mayor Naugle inquired as to the purpose of these lines because it had been reported the purpose was to power the beach. Mr. Mele replied that was not the case. He explained that the Progresso Substation also served areas of the beach, but the particular feeder line was to serve the neighborhoods in question.

Commissioner Smith asked why an application had been submitted to run the wires under the Middle River in this area. *Mr. Leo Zieman*, of FPL, said the Middle River crossing was about 4 blocks south of Sunrise Boulevard, and the intent was to go over to the beach. He stated that section of improvement was not for the Victoria Park area, and there was a separate application. Commissioner Smith understood that one line extended from Holly Heights to the beach and another line extended to Victoria Park. Mr. Zieman agreed that was correct and added that the line running to the beach would have multiple circuits.

Commissioner Hutchinson asked if the line would go underground once it turned towards Las Olas Boulevard. Mr. Zieman replied it would go underground until it terminated in an existing overhead location because there already were overhead circuits along Las Olas Boulevard. He noted that the residents of Las Olas had paid for the underground line several years ago. Commissioner Smith believed the residents of the City had paid for the underground line on Las Olas Boulevard, but the wires went overhead to the homes with the exception of Nurmi Isle, Royal Isle and Fiesta Isle, where underground wires had been installed in the 1930s. Mr. Zieman agreed that was correct.

Mayor Naugle inquired about the need for these lines. Mr. Zieman replied that the needs stemmed from remodeling and renovations of homes. He stated that the homes were larger, or single-family homes were demolished to make way for multi-family units, and this type of activity created additional demand on the system. Mayor Naugle asked him if he had any information about how much usage had increased over the years. Mr. Zieman did not.

Commissioner Smith stated that the people in Victoria Park wanted underground wiring, and he wondered how long it would take to provide an estimate of the cost. Commissioner Hutchinson desired the same information with respect to Colee Hammock.

*Mr. Brek Beck*, of FPL, said part of the problem with conversion to underground was achieving agreement from all of the homeowners in order to obtain necessary easements. Commissioner Smith understood an easement would have to be forced. Mr. Beck agreed that was correct. He advised that the cost would depend on the limits of the areas involved. Mayor Naugle said he was seeking only a rough estimate and wondered if it would take 20 years or 6 months. Mr. Beck explained it would involve a great deal of negotiating. Commissioner Smith understood there would be a cost involved for providing an estimate. Mr. Beck agreed there was a cost for providing a binding estimate, and the issues were complex.

Commissioner Hutchinson referred to 17<sup>th</sup> Avenue south of Broward Boulevard. She asked why the wires could not be placed underground. Mr. Beck replied that the area was served by laterals pulled from other feeders, and FPL was trying to improve the feeder grid to improve reliability and provide additional capacity. He explained that to place one feeder underground would require switch cabinets, large easements, and various conversion dilemmas that had to be factored into the overhead.

Commissioner Smith said he had heard a figure of \$300 per "running foot" in front of a property, and he wondered how close that figure was to the cost to homeowners for conversion. Mr. Beck could not say because there were so many different variables involved.

Mayor Naugle asked if the City could deny permission to FPL to cut the trees for the 55' poles through the neighborhood. The City Manager believed the City could ask FPL to cooperate until some mutual agreement on how it was to proceed could be reached. He was hopeful some agreement could be reached within a reasonable period of time. Mayor Naugle understood that smaller lines on multiple streets would achieve the same thing as large line on singular streets. Mr. Zieman advised that this involved a main circuit, so the same purpose would not be served.

Commissioner Hutchinson wondered why 17<sup>th</sup> Avenue had been selected over 15<sup>th</sup> Avenue, for example, where there was a lesser tree canopy. Mr. Zieman explained that FPL tried to select routes where there were existing facilities. Commissioner Hutchinson thought FPL would have a real problem if it started cutting these trees because half the people in her district would probably sleep out there to prevent it.

Mr. Beck stated that using routes with existing facilities was one goal. Further, a route that did not already have an existing main circuit feeder was avoided because a different electrical path was necessary for main circuits. Mayor Naugle asked if the large line on 17<sup>th</sup> Avenue was necessary because it served Las Olas Boulevard as well as the neighborhood. Mr. Beck replied that was not the case. He advised that the existing line served the Colee Hammock area and the Las Olas areas. Mr. Beck explained that the projected loads were an issue with respect to both of those areas. Mayor Naugle asked if some of the lines could be run under the canals rather than through the tree-lined streets. Mr. Beck did not believe so. Mr. Zieman explained the lines would not tie in to the switching capability to provide for the load demand in the area.

Commissioner Hutchinson understood that none of the streets west of 17<sup>th</sup> Avenue would be fed by the new line. Mr. Zieman replied that there were some existing laterals that would pull off the feeder trunk to serve in both directions. Commissioner Smith said the neighborhood did not want to take an adversarial position, but they thought there was an opportunity for a better look. He stated that Victoria Park was one of the prettiest neighborhoods in the City, and it would be even better if the wires were not in view. Commissioner Smith explained that if FPL could provide some idea of the cost, the neighborhood could take it under advisement.

Mr. Beck stated that a non-binding "ballpark" estimate could be provided. However, it would be necessary to be very specific as to where the underground wiring would start and stop, and some of the laterals might extend outside the neighborhood. He explained that FPL would have to sit down with one party and examine existing facilities as well.

Commissioner Hutchinson thought Colee Hammock wanted due process with the correct individual from FPL. Mr. Mele said that if such groups appointed someone, FPL would be happy to meet with him. Commissioner Moore asked if FPL would commit to doing nothing for the next 60 days to pursue discussion. Mr. Beck stated that the lines were placed on a "need" basis, and there was a need for this capacity before summer. Commissioner Moore wanted FPL to meet with the communities that were trying to find some compromise. Mayor Naugle stated that the Oak trees on 17<sup>th</sup> Avenue should definitely not be touched.

Mr. Mele advised that the field work would take 60 to 90 days, but if significant changes were made, the work would not be finished in time for summer. He thought FPL would be comfortable with waiting 30 to 45 days. Commissioner Smith felt 45 days would be acceptable.

Commissioner Moore wondered who had paid for the underground wiring out in the western communities of Broward. Mr. Beck replied that the developers had paid for it. He explained that the regulations had been altered so that wiring had to be placed underground in any new development. Commissioner Moore asked the City Attorney if an ordinance could be drafted in 45 days calling for underground wiring in all future developments in Fort Lauderdale.

The City Attorney stated that this sort of thing had been tried before as recently as 10 years ago. In addressing whether cities or counties could adopt such ordinances, the Florida Supreme Court had determined that control over these issues fell to the Public Services Commission. He advised that the Public Service Commission regulations indicated that when entire new subdivisions were built, cities had the right to require underground lines. Commissioner Smith felt this was something that should be added to the legislative package as Fort Lauderdale was built out.

Mayor Naugle thought there might be another way to accomplish the same thing. He suggested adoption of ordinances requiring that power lines be run through trees or underground so the utilities did not prune the trees the way they were being pruned now. He stated that when he visited Key West or New Orleans, he noticed the beautiful Oak trees, and the lines went right through them. Abusing the trees was not permitted, and Mayor Naugle did not know why the City could not stop FPL from doing it.

*Mr. Bill Slaymaker*, a Forester with FPL, stated that the same standards were used for tree trimming as those contained in the Broward County and Fort Lauderdale ordinances. Commissioner Smith understood there was a "tunnel" standard in which lines were tunneled through trees rather than deep cutting the limbs. Mr. Slaymaker advised there were different standards depending upon the voltage of line involved and the type of tree. Commissioner Smith wondered if trees could be relocated rather than butchered. Mr. Slaymaker believed the type of trimming necessary would be less severe in this area. He noted that trees could also be removed and replaced with a species that would be more appropriate where there were power lines.

Commissioner Moore referred to 15<sup>th</sup> Avenue and inquired about the voltage of the line in that location. Mr. Zieman believed it was the same as the line on 17<sup>th</sup> Avenue. Commissioner Moore wondered if an ordinance could be considered using some trigger other than new subdivisions to require underground wiring. The City Attorney thought consideration could be given to amending the tree trimming/landscaping standards. He noted that permits had to be issued for the trimming, although he understood they had not yet been issued.

Commissioner Moore asked what would happen if the work was not completed by summer. Mr. Zieman replied that the area was under threat of power outages due to overload. He explained that the increased use of air conditioners in the summer would create a greater demand on the lines, and there could be outages. He could not predict the likelihood of outages because he did not know what the weather would be like, but if it was very hot, outages were likely because there were not other circuits to pick up the rest of the grid.

Commissioner Hutchinson wondered if there would be similar problems over the next few days if the weather got very cold. Mr. Zieman said it was not as likely unless there was a severe aberration in the weather. Commissioner Hutchinson agreed landscaping issues should be addressed. She referred to a Mahogany tree at the corner of 16<sup>th</sup> Avenue and Broward Boulevard that had been cut on the side. Commissioner Hutchinson thought that if the home owner had done it himself, he would have been cited. She had a problem with the idea that there were different standards for FPL, and she did not intend to put up with it on 17<sup>th</sup> Avenue.

Mr. Dave Gennaro, Chief Landscape Plans Examiner, stated that trees had to be trimmed in accordance with industry standards, which referred to the natural shape of trees. However, some trees were not subject to such standards, such as Ficus. Commissioner Moore wondered what happened if FPL improperly cut a tree. Mr. Gennaro replied that penalties involved replacement, and very few citations had been issued to FPL or other such entities. Commissioner Moore thought that if jobs were inspected afterwards, there would be fewer violations. Commissioner Smith agreed FPL would be more likely to have their contractors be more careful. Mayor Naugle added that the ultimate penalty would be revocation of the franchise. Commissioner Moore wondered if the City had the staff to make such inspections, and Mr. Gennaro replied that there was sufficient staff to cite violations.

Mr. Slaymaker stated that trimming standards did not treat all trees equally, and there were different trimming methods for different situations. Mayor Naugle felt the City should examine the idea of adopting different standards. Commissioner Hutchinson agreed. Mr. Slaymaker advised that the health of a tree was an issue as well. Mayor Naugle felt there should be some combination of health and aesthetics, and he thought 17<sup>th</sup> Avenue justified some sort of historic designation as a tree hammock.

Commissioner Katz wondered why the lines could not be tunneled through the trees on 17<sup>th</sup> Avenue. Commissioner Hutchinson advised that the neighborhood wanted an opportunity to explore underground wiring. Commissioner Katz had a feeling the cost would be too great. Commissioner Smith agreed that would probably be true.

Commissioner Moore asked if an ordinance could require underground wiring if it had to be replaced due to hurricane damage, for example. Mayor Naugle noted that it could be more difficult to restore electricity to underground wiring after a hurricane. The City Attorney advised that the Public Service Commission regulations contemplated an area where all infrastructure was being installed for the first time, but it did not appear the City could do that in a built out area. He believed such a regulation would have to come from the Public Service Commission, and it would have to be based on a cost analysis of doing things one way as compared to another way, and that right did not extend to cities. Commissioner Smith said FPL had indicated maintenance work in this area would be suspended with the exception of emergency work, and that would allow some time to examine the trimming standards.

*Mr. Jay Holloway* stated that the neighborhood had not been able to find out how many additional poles. Mr. Zieman said the person who had designed the system was not present, but he did not think there would be more than 10% more poles than existed in the general area. Mr. Holloway asked how many existing poles would be replaced, and Mr. Zieman believed virtually all of them would be replaced. He believed there were 30 poles. Mr. Holloway understood 3 new poles would be added. Mr. Zieman did not know the exact number but estimated 3 to 5 new poles.

Mr. Holloway said he had been unable to determine how much more electricity would be running down the street. Mr. Zieman said electricity equal to the capacity necessary for 4,000 homes would be provided, for an increase of about 33%. Mr. Holloway stated that there was anecdotal evidence that an increase in electromagnetic energy had health consequences, and he wondered why the lines could not be run along the rear yards instead of along the street through the tree canopy. Mr. Zieman stated that the tree problem was usually as great in rear yards. Commissioner Smith noted that there could also be access problem. Mayor Naugle added that easements would be necessary, too.

Mr. Holloway stated that he had grown up in New Orleans, which had beautiful old Oak trees. He had never seen them butchered, and he wondered why it was different in Florida. Mr. Zieman stated that Florida had different types of trees and weather conditions than other areas.

*Ms. Christine Campbell*, 308 Northeast 17<sup>th</sup> Avenue, said she had become alarmed when she had been told the two trees in front of her home would be removed. She stated that from 6<sup>th</sup> Street southward, all the homes were powered from the back yards. Ms. Campbell asked where else in Victoria Park there was three-phase power running. Mr. Zieman believed 15<sup>th</sup> Avenue, 7<sup>th</sup> Street, 4<sup>th</sup> Street, and 2<sup>nd</sup> Street had three-phase power.

Mayor Naugle pointed out that this was a major power line through a residential neighborhood. He felt it should go in a commercial area, or be placed underground or under water. He felt the City should reject this power line and tell FPL to find another location. Mayor Naugle believed there should have been a substation on the beach a long time ago, and he thought a lot of the new demand was due to the larger buildings constructed in the Isles. He found the idea that this had to be done by summer unacceptable, and he felt FPL should bring back another solution.

Mr. Campbell stated that there were only 100 houses on the block, so the power must be going to some other neighborhood.

*Mr. Ted Fling*, President of the Victoria Park Civic Association, stated that FPL was not giving the neighborhood notification about routine maintenance, and no plans or blueprints for this project had been presented. He said the neighborhood needed to know what was planned. Mr. Fling had spoken with the foreman on the project, and he understood 9 cables were coming in front underground, and 7 would go east on 8<sup>th</sup> Street to 20<sup>th</sup> Avenue to hook up with the new service under the Middle River. He wondered about the purpose of those 7 cables because it appeared they would do nothing for Victoria Park. Mr. Zieman stated that the conduits would go east to the beach.

At 4:26 P.M., Commissioner Moore left the meeting. He returned at 4:28 P.M.

*Mr. Don Hall*, representing the Colee Hammock neighborhood, thanked the Commission for the additional 45 days. He also agreed with Mayor Naugle and Commissioner Hutchinson as to 17<sup>th</sup> Avenue. Mr. Hall did not think there was any question that 17<sup>th</sup> Avenue was simply the wrong route for this project because it would destroy this urban forest. He pointed out that it could never be replaced even if that meant there were a few brown outs this summer.

*Mr. Buddy Lochrie*, President of the Colee Hammock Association, was angry that the neighborhood could not get any answers about this project. He asked if the City had entered into legal action with respect to the citrus trees. Mayor Naugle replied it had. Mr. Lochrie understood the same contractor would be doing the tree trimming for FPL. His concern was that no supervision was provided, and the mahogany tree at the corner of 17<sup>th</sup> Avenue and Broward Boulevard had been sliced in half and could not be repaired. Mr. Lochrie did not believe those who lived on 17<sup>th</sup> Avenue should have to pay the cost of underground wires because they were not being served by that line. Further, the residents of the Isles had not had to pay for the underground wiring on Las Olas Boulevard.

*Ms. Janet Clifford*, a resident of 1<sup>st</sup> Street at 17<sup>th</sup> Avenue, pointed out that the north side of 17<sup>th</sup> Avenue was also very beautiful. She stated that the wires would be going directly over her house.

*Ms. Geraldine Rasmus*, a resident of Colee Hammock for almost 50 years, said that trees were beautiful, but they were also necessary for prevention of soil erosion and provision of oxygen. Further, they prevented the ground from drying out. She felt it was extremely important to save the trees.

*Mr. Steve Buckley*, a resident of 17<sup>th</sup> Avenue, noted that FPL could state with certainty that this project had to be done by summer. Therefore, he did not understand why all the other questions could not be answered with equal certainty.



Mr. Zieman noted that capacity figures were based on the standard, generic type of home, but the homes being constructed now could be equivalent to two or three of those generic homes. Mr. Buckley wanted to know where all the capacity was going.

*Mr. John Terrell*, 202 South Victoria Park Road, said that 17<sup>th</sup> Avenue was very beautiful, and historic photographs of Fort Lauderdale often included the area at Las Olas and Colee Hammock. He thought it was a shame the entire City did not have the same appearance. He understood a 33% increase in power capacity was scheduled, and he was concerned that the electromagnetic field generated would be damaging to health. Mr. Terrell wondered if there was any City staff member who could measure the power level for safety.

Mayor Naugle thought that in order to resolve the problem, the City would need to get someone with an electrical background to provide advice. Commissioner Smith said he was trying to figure out the supposed scope of the recommendation. He had received the impression that Victoria Park wanted to see a change in how their electricity was serviced. If that was true, there was a lot of work to be done. If the issue, however, was actually the one conduit on 17<sup>th</sup> Avenue, the City could try to stop the project and encourage another route, although the line had to go somewhere. Commissioner Smith wanted the neighborhoods to tell him if this was about placing wires underground throughout the community, or was everyone just mad at FPL. Mr. Fling said he would provide that information.

Mayor Naugle believed underground wiring was the long-range issue, but something had to be done to protect 17<sup>th</sup> Avenue in the meantime. He thought there were other options, and a professional with knowledge in this field would be very helpful. Commissioner Smith did not know that it was necessary to spend City money on an electrical consultant. He believed the answers were probably available given sufficient exploration with FPL.

Commissioner Moore felt the problem was that the issue was becoming very parochial. He pointed out that FPL provided service throughout the City. He thought there should be a workshop meeting with FPL because it was considering a major expansion of substations throughout Fort Lauderdale. He wanted to know what FPL was proposing in terms of electricity throughout the City. Commissioner Smith thought a workshop was a good idea, and he believed FPL had made that suggestion.

Mayor Naugle agreed with Commissioners Moore and Smith, but he wanted to ensure that 17<sup>th</sup> Avenue was addressed immediately. He also wanted the overall tree trimming issue addressed with the entire City in mind. Mayor Naugle summarized that the Commission wanted to hold a workshop relating to substations and tree-trimming, and the 17<sup>th</sup> Avenue project would be held off for 45 days. Commissioner Smith added that FPL's 150,000 customers cared very much about their tree canopy. The City Manager felt this was a good approach. He believed a "town hall" meeting could be arranged within 45 days with public notice.

**Action:** 17<sup>th</sup> Avenue project to be deferred for 45 days. Town Hall meeting to be scheduled.

At 4:47 P.M., the meeting was recessed for an executive closed-door session regarding litigation strategy in connection with Randall St. Germain v City of Fort Lauderdale (Automobile Liability File No. VA GL 97-157) and Ruth-Ann Rubin v City of Fort Lauderdale (General Liability File No. 99-508B). The meeting was reconvened at 5:01 P.M.

### **I-F – Urban Design Core Steering Committee**

The City Commission was scheduled to consider membership on the Urban Design Core Steering Committee, as requested by Commissioner Katz. It was the consensus that the Committee have a membership of 10 individuals. Commissioner Smith suggested the appointment of Mike Ferber and Peter Feldman. Commissioner Hutchinson wished to appoint Leigh Kerr and Gus Carbonell. Mayor Naugle appointed Margie Nothard and Harrison “Woody” Friese. Commissioner Katz suggested Don Singer.

**Action:** Formal action to be taken at Regular Meeting. Additional appointments to be considered on January 23, 2002.

### **I-D – Police and Firefighters Retirement System – Survivor Benefits (Continued from P. 9)**

Mr. Bob Dunckel, Assistant City Attorney, requested clarification in this regard. He explained that the Plan indicated that in lieu of other optional forms enumerated in the benefits could be paid in a form approved by the Board so long as it was actuarially equivalent to benefits otherwise payable. He stated that the Pension Administrator had never advised participants in the Plan of that option because the Plan contained another section indicating the option was available only if a participant did not have a spouse at the time of retirement, which was a reasonable interpretation of the ordinance. Mr. Dunckel felt, therefore, that it was correct to say that participants had not had that option.

Commissioner Katz understood the option had been available if a participant was married at the time of retirement. Ms. Egner added that none of the 62 participants in question had retired prior to 1972.

It was the consensus of the Commission to reschedule this matter for additional consideration.

**Action:** Subject to be rescheduled.

### **I-G – Proposed Text Amendment – Broward County Land Use Plan – New Land Designation “Local Activity Center”**

A discussion was scheduled on the proposed text amendment to the Broward County Land Use plan for a new land designation known as Local Activity Center. Mayor Naugle asked the Commissioners if they wanted to follow the recommendation to try to get the areas included without the requirement for transit as originally proposed by the Technical Advisory Committee. Commissioner Katz thought the intent was to modify some of this to make it a little clearer. She believed the way this was written would have unintended consequences and should be altered as outlined on the second page of the memorandum. Mayor Naugle agreed that was the recommendation.

Commissioner Smith thought this was a great idea and would help a lot of areas that could not be helped by the RAC. However, he was a little worried about the idea of commercial uses going into residential areas rather than the other way around. He wondered if that was possible. Ms. Sheryl Stolzenberg explained that this was a land use designation, and it could always be more restrictive than the County’s Land Use Plan. She stated that having a land use designation did not mean someone automatically received it. Rather, the City Commission set the criteria.

Mayor Naugle noted that this could be inappropriate in certain areas, such as on Southwest 4<sup>th</sup> Avenue. He would not want that area rezoned to residential use, for example.

**Action:** Approved.

## **II-A – Citizen General Satisfaction Survey**

### **II-B – Public Services Customer Satisfaction Survey**

Mayor Naugle was pleased to see that citizens had good opinions of the City. Commissioner Katz said she had not understood the question relating to the City's support for neighborhood improvement projects. Mr. Terry Sharp, Assistant Director of Finance, advised that the questioned would be refined for next year. Commissioner Smith agreed that there was better language than "are you concerned about ... ?" Mayor Naugle thought "do you support ...?" would be a clearer question to pose.

**Action:** Status Reports.

### **III-B – Advisory Board Vacancies**

#### 1. Citizen Review Board

Commissioner Moore wanted to appoint Rod Kemp to the Citizen Review Board.

**Action:** Formal action to be taken at Regular Meeting.

#### 2. Community Appearance Board

The Commission wished to reappoint Diane L. Schuster, Steve Hillberg, Deirdre Hardy, Aron Temkin, Mirtha Toledo, Francis Lyn, Dr. Sohyun Park Lee, E. Miranda Lopez, George Henderson, Dan Remy, Ayisha Gordon, Barbara Ericksen, Jack Mertz, Chuck Radkowski, Shirley Chatham, Chuck Burchett, Robert W. Sanders, III and Ron Trebbi to the Community Appearance Board.

**Action:** Formal action to be taken at Regular Meeting.

#### 3. Community Services Board

**Action:** Deferred.

#### 4. Economic Development Advisory Board

The Commission wanted to reappoint Michael F. McGinn, Ruchel Louis, John Bauer, Gabriel Palotas and Charles Jackson to the Economic Development Advisory Board.

**Action:** Formal action to be taken at Regular Meeting.

5. Insurance Advisory Board

The Commission reappointed Scott DiSalvo, Randall S. Swenson, Ted Hess, Steve Botkin, Mark Schwartz, Fritz Richter Jr. and Joseph Cobo to the Insurance Advisory Board.

**Action:** Formal action to be taken at Regular Meeting.

6. Unsafe Structures and Housing Appeals Board

**Action:** Deferred.

7. Beach Redevelopment Advisory Board

Commissioner Smith wished to appoint Michael Grimme to the Beach Redevelopment Advisory Board.

**Action:** Formal action to be taken at Regular Meeting.

**IV – City Commission Reports**

1. Shopping Cart Ordinance

Commissioner Katz wondered if the fine for violation of the shopping cart ordinance could be increased. The City Attorney advised that was up to the City Commission. Commissioner Hutchinson asked when the ordinance would be brought back to the Commission, but the City Attorney did not know the scheduled date. Mayor Naugle asked if the City could require placement of phone numbers on shopping carts so people could call for collection. Commissioner Katz felt this was an ongoing issue, and she thought it would be easier if the vendors knew they would be penalized for not picking up their carts within a certain time frame.

**Action:** Ordinance to be presented to City Commission.

2. Economic Development Items – Regular Meeting

Commissioner Katz pointed out that there were a number of items on this evening's Regular meeting agenda related to economic development. She felt there were some policy decisions that had to be made, and she suggested a workshop to provide appropriate staff direction. Commissioner Katz also thought there should be benchmarks established and follow-up even if that meant status reports at every Commission meeting.

Mr. Pete Witschen, Assistant City Manager, advised that a Friday memo would be coming out soon, and staff would schedule a workshop within the month. To follow-up on the last discussion with the Commission, Mr. Witschen reported that more information was needed from BankAtlantic, and some direction was needed about the relationships with the Chamber of Commerce and the Broward Alliance.

Commissioner Katz felt the Commission should specify what it wanted the Alliance and the Chamber to do, what resources were available to do it, and when it should be completed. Commissioner Smith thought it would be helpful if the Chamber and the Alliance were represented during a Conference discussion. Commissioner Katz preferred to decide what was desired before bringing them in for a conversation. Commissioner Smith believed a lot of the activities were pretty clear cut. Mayor Naugle did not think everyone was happy with past performance. Mr. Witschen advised that the contracts with the Chamber and the Alliance could be deferred until after the Commission workshop. It was agreed.

**Action:** As discussed.

### 3. Health/Self-Insurance

Commissioner Katz understood the City had been self-insured for a year and a half, and there appeared to be a serious situation in terms of losses. Mr. Damon Adams, Director of Finance, said the City had been self-insured since September 2000. Mayor Naugle believed this subject was scheduled for discussion at the January 23, 2002 Commission meeting. Commissioner Katz understood there was money going out every day because people were in the hospital for a long time or were taking medication. She pointed out that insurance companies were having difficulties, and she wondered if the Commission wanted to continue taking this direction.

Commissioner Smith believed the primary losses related to the benefit for prescription drugs, which was too generous. Mayor Naugle understood 1,200 members had received 42,000 prescriptions. Commissioner Smith thought the co-payments should also be considered. Commissioner Katz was interested in the deal that the City had made with the various hospitals. Commissioner Moore agreed the design and utilization of the plan should be examined because it typically took 3 to 5 years to develop averages. Nevertheless, the loss had been greater than expected. Mayor Naugle added that the longer the discussion was delayed, the greater the loss.

**Action:** Subject to be discussed in the near future.

### 4. Meeting Schedule/Conference Starting Time

Commissioner Moore recalled a time when Conference meetings had started at 8:00 A.M. He wondered if the Commission would consider starting at noon rather than at 2:00 P.M. He felt some issues were too rushed, often after the City had spent a great deal of money on a consultant, for example. Mayor Naugle pointed out that reports were usually given to the Commission in writing, and hours were spent reviewing those materials before the meetings. He felt a recap was sufficient, as long as there was enough time to pose questions. Commissioner Moore agreed that was true, but the general public did not receive the same documentation.

Mayor Naugle noted that the materials were available online, and anyone who requested copies would receive them, and brief overviews of items were usually provided. He did not think a presentation was necessary on every item. Commissioner Moore did not think that was always necessary, but the Commission sometimes did not have time for Commission Reports, and some issues were rushed. He thought it would be worthwhile to try to starting at noon, and noted that there might even be time for a break between the Conference and Regular meetings.

**Action:** Continued on P. 22.

## 5. Trash Piles

Commissioner Moore noted that staff went out and marked trash piles with an orange "X," and most were in the City swales. He stated that since the trash transfer station had started charging \$10, there were more trash piles everywhere in his district. Commissioner Moore had found that the orange marks were everywhere as well. Commissioner Smith thought that if Code enforcement was properly handling trash, they were marking the piles, but the Public Services Department had to collect them. Commissioner Moore said it took three or four days. On top of that, the owner of the adjacent property was being charged \$165 per pile. Commissioner Smith thought the price should be higher. Commissioner Moore felt some compromise was in order. Mayor Naugle pointed out that people were illegally dumping next to someone else's property in many cases. Commissioner Smith agreed that happened sometimes, but he believed the problem was due mostly to the scofflaws.

Commissioner Moore felt some method should be found to address the situation. He suggested that if trash was dumped on a swale, the fee not be so high. Commissioner Smith thought all the piles were on the swales. Commissioner Moore felt it was clear from the overall condition of a property if it was being regularly maintained, and the problem was illegal dumping. Commissioner Smith said one problem he had noticed was dumping in front of a street closure. He wanted to find those doing the dumping. Commissioner Moore felt someone with an overgrown lot should be hit hard, but if the property was otherwise maintained, it was pretty clear that the owner was a victim of dumping. Commissioner Smith was concerned that people would claim a pile of trash was not theirs.

Mayor Naugle thought there should be a notification provision of some sort with the City having a telephone number to call when there were problems with properties. Commissioner Smith thought that sounded like "big government."

**Action:** As discussed.

## 6. Trash Transfer Station Fees

Commissioner Moore did not know what kind of revenues were being generated by fines for dumping, but he wondered if they could be used to replace the \$10 per load dumping fee at the transfer station. He wanted to try it because he thought it would help reduce illegal dumping. Mayor Naugle felt \$10 a load was a bargain. Commissioner Smith suggested allowing people outside the City to use the station at a higher rate to subsidize Fort Lauderdale residents.

Mr. Greg Kisela, Assistant City Manager, stated that the \$10 fee provided a cost recovery of about 25%. He was concerned that if the trash transfer station were opened to everyone, it would have an impact on the quality of life in the neighborhood. Mayor Naugle supported a \$15 fee. Commissioner Moore thought some consideration should be given to what was being charged some individuals for the crimes of others. He stated that once a pile was marked, it stayed there for many days afterwards anyway.

The City Manager explained the process. He stated that once Code enforcement staff notified Public Services that a pile had been cited, it was picked up on the following Wednesday or Saturday. Commissioner Smith said that was not happening. Commissioner Moore concurred. He felt the trash transfer station had worked very well when it had first opened and was free, but there was a lot of dumping on swales now.

**Action:** None.

7. Miami Road – Traffic Problems

Commissioner Hutchinson said there were a lot of problems with traffic on Miami Road, south of 17<sup>th</sup> Street. She believed much stemmed from new security at the Port, and the Police Department could write 35 tickets in a day. Commissioner Hutchinson understood Mr. Partington would perform a traffic count, and she hoped the issue would be brought back to the Commission so consideration could be given to a partial closure at Spangler Boulevard and Miami Road.

**Action:** Subject to be placed on future agenda after traffic count completed.

8. Budget Inn on State Road 84/Homeless Facility

Commissioner Hutchinson reported that she had received an anonymous call yesterday indicating that someone planned to purchase the Budget Inn on State Road 84 and move homeless people into the building. She expected that neighborhoods in the Southwest would revolt if this occurred, and she felt the issue should be addressed now.

At 5:47 P.M., Commissioner Moore left the meeting. He returned at 5:50 P.M.

Mayor Naugle wondered if there was another social service residential facility (SSRF) within a certain distance of this building and asked staff for a report. Commissioner Smith did not think the property was zoned for that use. The City Manager agreed to look into it.

**Action:** Staff to investigate.

9. Brick Pavers on Sidewalk Along Broward Boulevard

Commissioner Hutchinson reported that she had received complaints about the appearance of the brick pavers on the sidewalk along Broward Boulevard on the south side from 7<sup>th</sup> Avenue west to 14<sup>th</sup> Avenue. Apparently, people did not care for the colors. Commissioner Moore said a citizen advisory group had selected the colors, although he had heard some complaints about it. He felt it was a matter of taste.

**Action:** None.

10. Drug Problems in South Middle River

Commissioner Smith stated that there was a new resurgence of drug problems in the South Middle River neighborhood, and a new group was working hard to address the issues. He was pleased with the Police Chief's response in terms of drafting a new action plan. In the meantime, the President of the area homeowners' association had a brick thrown through his car window for the second time. Commissioner Smith felt the City should pay the deductible to have the car repaired again in order to show support for those who stepped up to help the community and suffered damage as a result.

Commissioner Moore pointed out that no one could really know if the damage had resulted from the individual's activities as an association president. He did not think it could be proven that drug dealers had committed the act.

Mayor Naugle, Commissioner Smith and the Police Chief contributed some money for this purpose.

**Action:** None.

11. Satellite Company

Commissioner Smith understood there was one satellite company interested in doing business in Fort Lauderdale, and he hoped staff would further that goal.

**Action:** None.

12. Vacant Lots

Commissioner Smith was concerned about empty fields that remained after buildings were demolished. He felt ground cover should be provided within a certain period of time after demolition at least, and he cited the Old Riviera property on the beach as an example. The City Attorney believed the existing commercial property maintenance ordinances covered this issue.

**Action:** Staff to investigate.

13. Historic Properties

Commissioner Smith requested an update on the preservation of historic properties. Mayor Naugle thought the Historic Preservation Board could recommend a plan of action. The City Manager said he would provide an update.

**Action:** City Manager to provide update.

4. Meeting Schedule/Conference Starting Time (Continued from P. 19)

Commissioner Moore suggested the Commission try starting its meetings earlier. It was the consensus of the Commission to amend the Code and start the second meeting in February at 12:30 P.M.

**Action:** As discussed.

Meeting adjourned at 5:55 P.M.

NOTE: A MECHANICAL RECORDING HAS BEEN MADE OF THE FOREGOING PROCEEDINGS, OF WHICH THESE MINUTES ARE A PART, AND IS ON FILE IN THE OFFICE OF THE CITY CLERK FOR A PERIOD OF TWO YEARS.